

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
MIDDLE DIVISION

FILED

99 JUN -8 PM 2:54  
U.S. DISTRICT COURT  
N.D. OF ALABAMA

DENNIS LEE CAPPS,

Petitioner,

vs

WARDEN RALPH HOOKS, et al,

Respondent(s).

ENTERED

JUN 08 1999

CIVIL ACTION NO. 97-AR-2711-M

MEMORANDUM OF OPINION

The court has considered the entire file in this action together with the Magistrate Judge's Report and Recommendation and the objections of the petitioner and has reached an independent conclusion that the Magistrate Judge's Report and Recommendation is due to be adopted and approved. The court hereby adopts and approves the findings and recommendation of the magistrate judge as the findings and conclusions of the court. In accord with the recommendation, this petition for writ of habeas corpus is due to be dismissed. An appropriate order will be entered.

DONE, this 8<sup>th</sup> day of June, 1999.

  
WILLIAM M. ACKER, JR.,  
UNITED STATES DISTRICT JUDGE